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Lawyers for Man in Espionage Case Say He Intended to Be Double Agent

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Accused spy Richard Craig Smith had been assured by the FBI and CIA that he would be protected if he told them how he sold defense secrets to the Soviet Union, his attorneys said yesterday.

The lawyers, preparing to defend the former Army counter-intelligence specialist against charges that he sold the Soviets the names of six double agents, charged that Smith had not been advised of his rights against incrimination until after he had met four times with FBI and CIA officials.

At one of those meetings an FBI agent told him to take a polygraph test because "this will clear you and let the organization know that you've told us all there is," according to motions the defense lawyers filed in federal court in Alexandria.

Smith, who had worked as a civilian and a sergeant with the Army Intelligence and Security Command, is charged with disclosing the identities of the agents to a Soviet KGB officer for \$11,000.

If convicted of the espionage charges, Smith could be sentenced to life in prison. A federal judge has scheduled his trial for July 9.

Joseph Aronica, the assistant U.S. attorney handling the case against Smith, declined yesterday to comment on the charges. In the papers filed in Alexandria, Smith's lawyers did not deny that Smith, whose

Utah business ventures encountered financial problems, had initiated contacts with Soviet officials.

While working with the Army intelligence agency from July 1977 to January 1980, Smith had become "obsessed with an opinion that the CIA and Army Intelligence were too conservative, unwilling to take necessary risks to uncover clandestine Soviet activity [in the United States]," the lawyers said.

In 1981 Smith wrote a letter to Soviet officials in San Francisco urging them to contact him by placing specific advertisements in three San Francisco newspapers, according to court papers. His intent, according to the papers, was to start a double-agent operation.

While traveling to Japan on business next year Smith decided to continue his double-agent activity by contacting the Soviets, the court papers state.

Smith's intention, according to his lawyers, was to give "unimportant and outdated classified material and obtain payment in the United States, particularly San Francisco" and have CIA, FBI, and Army officials "hiding in the closet" to make an arrest of Soviet spies working in the United States.

Much of the government's case against Smith, 40, of Bellevue, Wash., is based on statements that Smith made to the FBI. Defense attorneys requested yesterday that those statements not be admitted as evidence because he had not been properly warned of his rights.

The lawyers said when Smith first contacted the FBI in 1983, three years after he had left Army: "... the FBI led Smith to believe that he was on the inside of the organization. That his work was appreciated. That all would be okay if he would just tell the complete truth"

The FBI knew that Smith, described by his friends and family as a deeply religious Mormon, "had a special affinity for following orders, for trusting authority," the lawyers said. He "was extremely susceptible to having the FBI imply that he had been taken back into the intelligence community . . . that he was himself a double agent for the United States," the papers stated.

Prosecutors contend that Smith only contacted the FBI because he thought that he had been detected by Japanese surveillance of the Soviet compound in Toyko. The prosecutors charge that he sought to avoid prosecution by saying he would pretend to cooperate further with the Soviets and that, initially, he did not tell the FBI all the information he had told the Soviets.

Defense attorneys say that they expect to have Smith, who has a wife and four children, released on his \$500,000 bond by early next week. They have been unable to obtain his release because some banks that originally agreed to issue letters of credit as collateral for his bond no longer appear willing to do so, because of the publicity that his case has received.